

ORIGINAL

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JOSEPH J. PLUMERI II,

Case No. 1:19-cv-05896-FB-RER

Plaintiff,

**MOTION FOR ADDITIONAL TIME TO
ANSWER COMPLAINT**

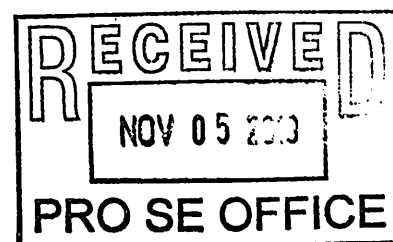
v.

STEVEN B. BARGER,

Defendant.
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1. I am Steven B. Barger, the Defendant in this case. I do not have the capability to file electronically.
2. I am moving the Court to grant me 45 additional days to respond to the Complaint filed by the Plaintiff. I can complete the process of hiring counsel in the E.D.N.Y. and have my answer or what I understand are "Rule 12 Motions" filed by December 27, 2019.
3. I am not a lawyer and do not have the legal training to write or file an Answer or Rule 12 Motions.
4. I live in Birmingham, Alabama and do not know intellectual property lawyers in New York.
5. I have not filed litigation against Plumeri at this time.
6. Mr. Eidelman knows my financial information. He questioned me about my tax returns during my trial. Mr. Eidelman knows that I do not live in New York. I am not entirely certain what the purpose of Plumeri's Complaint is other than an attempt to harass me and cost me even more in legal fees and litigate in the EDNY where I do not live.

RD 11/5/19
JR



7. As I stated in my private letter to Mr. Plumeri in October, it is my desire to find a peaceful resolution to the problem of his theft and use of my intellectual property without my permission. The proof in my case will include documents, videos, recordings, contracts, writings, and other evidence dating back as early as 1978.

8. I can think of no legitimate need for any urgency regarding this matter. I did not know Mr. Plumeri was using my intellectual property for 13-years without my knowledge or agreement until I heard how First Data's lawyers, Mr. Eidelman and Mr. DiLorenzo, presented the evidence and argued at my trial against First Data in September 2019. My employment attorney explained how I gained this knowledge in his letters Plumeri and Eidelman attached to the Complaint.

9. The filing of this Complaint by Mr. Eidelman who was counsel to First Data is to try to cover for his mistakes at my trial. Mr. Eidelman questioned contracts from 2014 only to reveal that Mr. Plumeri had no agreement with me to use my intellectual property between 2000 and 2013, and 2014 may be also in question.

10. Mr. Eidelman now wants me not to raise these claims that I learned while he was presenting First Data's case. Mr. Eidelman cannot prevent me from bringing my claims or speaking about Plumeri's unauthorized use of my intellectual property prior to when I was hired by First Data in 2014.

11. Mr. Eidelman does what I call "bootstrapping". He tries to pull the unrelated events of my ownership of intellectual property from before I was employed by First Data to somehow be related to my FMLA case against First Data that was tried in September. The two things do not have anything to do with each other. What happened when I was terminated by First Data in

2017 is not related to ownership of my ideas, books, writings, class materials, etc. that were developed between 1978 and 2014.


12. I am not a lawyer. I need to obtain counsel in the EDNY who has intellectual property experience. I never intended to bring my claims against Plumeri in Brooklyn because nothing about my intellectual property from 1978 to 2014 was ever in the EDNY. I do not live in New York and do not know any intellectual property attorneys in New York.

13. I am having a difficult time securing and paying for counsel in New York with intellectual property knowledge to handle my case because of all the legal expense I incurred pursuing my FMLA and ADA claims against First Data. Mr. Eidelman knows this.

14. I am asking for additional time – 45 days - to respond to the complaint or file a "Rule 12 Motion." If Mr. Eidelman has an issue with my need for extra-time, I strongly recommend he refer to the six weeks of additional time I extended to him to deal with his own personal issues during discovery in my case against First Data. Mr. Eidelman was a lawyer in that case and not a party to the case, but I gave him the courtesy of six weeks extra time to handle his own personal family issues.

15. I thank the Court for its consideration and time. I am currently interviewing and trying to find funding for New York intellectual property counsel. I am requesting the Court extend my time to answer the complaint from November 12, 2019 to December 27, 2019.

Dated: November 4, 2019


Steven B. Barger
DEFENDANT

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